

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Civil Action No. 2:10-cv-13101-BAF-RSW
and)	
)	Judge Bernard A. Friedman
NATURAL RESOURCES DEFENSE)	
COUNCIL, and SIERRA CLUB)	Magistrate Judge R. Steven Whalen
)	
Plaintiff-Intervenors)	
v.)	
)	
DTE ENERGY COMPANY, and)	
DETROIT EDISON COMPANY)	
)	
Defendants.)	
)	

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE
TO FILE OPPOSITION BRIEF AND CERTAIN SUPPORTING
EXHIBITS UNDER SEAL**

Pursuant to Local Rule 5.3(b) and Paragraph 11 of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39), the United States respectfully moves for leave to file its Opposition to Defendants' Motion for Summary Judgment Based on Compliance with Pre-Construction Projection Requirements (Dkt. 166) and exhibits in support of its opposition under seal.

In its opposition brief and certain supporting exhibits, the United States cites to information, that the Defendants consider confidential under the terms of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39). Due to the terms of the Stipulated Protective Order Regarding Confidential Information and Document, the United States must seek to file the documents under seal due to the Defendants claim of confidentiality. Dkt. 18 at ¶ 18. The Defendants have been consulted and do not oppose this motion.

For the foregoing reasons, the undersigned respectfully requests that this Court grant the United States leave to file its Opposition to Defendants' Motion for Summary Judgment Based on Compliance with Pre-Construction Projection Requirements (Dkt. 166), and certain supporting exhibits, to the extent that they contain information claimed as confidential by the Defendants pursuant to the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39).

Respectfully Submitted,

ROBERT G. DREHER
Action Assistant Attorney General
Environment & Natural Resources Division

Date: August 1, 2013

/s/ Elias L. Quinn
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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2013, the foregoing motion and supporting materials were served via ECF on counsel of record.

s/ Elias L. Quinn

Counsel for the United States

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**ORDER GRANTING MOTION FOR LEAVE TO FILE MEMORANDUM IN
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
BASED ON COMPLIANCE WITH PRE-CONSTRUCTION PROJECTION
REQUIREMENTS AND SUPPORTING EXHIBITS UNDER SEAL**

Upon consideration of the Plaintiff's Motion for Leave to File its Opposition to Defendants' Motion for Summary Judgment Based on Compliance with Pre-Construction Projection Requirements (Dkt. 166) and certain supporting exhibits under seal, IT IS HEREBY ORDERED that Plaintiff, the United States, be permitted to file those documents containing information claimed by Defendants as confidential under the terms of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39) under seal.

HONORABLE BERNARD A. FRIEDMAN
U.S. District Court Judge

Dated: August __, 2013